

INSTRUCTIONS FOR FILING A PETITION FOR MODIFICATION OF CHILD SUPPORT

YOU CAN USE THIS PACKET IF:

⇒ you have a Child Support Order from Superior Court in Georgia which orders child support to be paid to you or by you which was ordered after July 1, 1986,

⇒ you are asking for a change in child support, and

⇒ the opposing party is a resident of Cobb County.

STEP 1: Fill out the Petition for Modification of Child Support

STEP 2: Fill out the Verification Form

STEP 3: Fill out the Rule Nisi Form

STEP 4: Fill out two (2) Summons (the blue sheet)

STEP 5: Fill out the Sheriff's Entry of Service

STEP 6: Make a copy of the original child support order and attach it to the Petition for Modification of Child Support

STEP 7: Put your documents in order

STEP 8: Make two (2) copies of each of your documents

~ **STEP 9:** File the original document with the Clerk of Court and pay filing fee and service fee in the Clerk's Office

STEP 10: Come to court on the date and time as indicated

HERE ARE DETAILED INSTRUCTIONS ON HOW TO FILL OUT THE FORMS:

STEP 1: The Petition for Modification of Child Support

- A. You are the Plaintiff. Fill in your full name on the line above "Plaintiff", and on the line after "Comes now the Plaintiff".
- B. The Defendant is the opposing side. Fill in that person's full name on the line above "Defendant".
- C. Leave the Civil Action File Number blank. It will be filled in by the Clerk of Court when you file the Petition.
- D. In paragraph 1: (*Check a or b*)
 - 1. Check *a* if the opposing side lives in Cobb County. Insert the opposing side's address.
 - 2. Check *b* only if the opposing party lives in another state, but you live in Cobb County and your original court order is a Georgia Superior Court Order. Insert the city and state where the opposing side lives in the first blank, and then enter the opposing side's complete address in the other space.

- E. In paragraph 2:
1. In the first blank insert the date of the original child support order.
 2. In the second blank insert the county in Georgia where you got your child support order.
 3. In the third blank insert the Civil Action File Number from your original child support order.
 4. In the fourth blank, insert which party was to receive child support under the original child support order. (*You are the Plaintiff and the other person is the Defendant.*)
 5. In the fifth blank, insert the amount of the original child support order. Circle whether it is weekly, biweekly, semimonthly, or monthly.
- F. In paragraph 3:
1. Check *a* if the child support is paid to you and write the amount in the blank.
 2. Check *b* if the child support is paid by you and write the amount in the blank.
- G. In paragraph 4:
1. Check *a* if you are asking for an increase in child support paid to you.
 2. Check *b* if you are asking for your child support payments to be decreased.
 3. Check *c* if you are asking for an increase in child support paid to you because of a substantial increase in the needs of the child(ren). Then explain what those needs are in the space provided.
- H. In paragraph 5:
1. Check *a* if you are asking for an increase in child support paid to you. Then in the first blank insert how much the opposing side was earning at the time the original child support order was entered. Insert in the next blank the date that his/her income increased. Insert in the final blank the amount of the opposing side's current gross income.
 2. Check *b* if you are asking for your child support payments to be decreased. Insert how much your gross monthly income was when your original child support order was entered. Insert in the next blank the date that your income decreased. Insert in the final blank what your gross monthly income is now.
- I. In paragraph 6:
1. Check *a* if it has been 2 years since your child support has been changed.
 2. Check *b* if you want your child support order changed if you have never changed the original child support order.
- J. In the prayer, paragraph *a*:
1. Check *1* if you are asking for an increase in child support paid to you.
 2. Check *2* if you are asking for your child support payments to be decreased.
- K. Then put the date of the day you finish the form and sign your name.

STEP 2: The Verification form tells the Court that you swear, under oath, that what you wrote or put in the Petition is true and correct.

- A. Print or type your full name next to the word "Plaintiff".
- B. Print or type the full name of the person who is the opposing party next to the word Defendant.
- C. Print or type your full name on the first line.

- D. Where it says: This ____ day of _____, 20__ , fill in the date, month, and year where indicated.
- E. Next to the number 2, print or type your full name where indicated, and fill in your address and telephone number. **DO NOT SIGN THIS YET. YOU MUST SIGN IT ONLY IN FRONT OF A NOTARY PUBLIC.** You can find a Notary Public at banks, the post office and other places. They may charge a small fee for their services.

STEP 3: Complete the Rule Nisi Form. A Rule Nisi is another name for temporary hearing. This is what you would request if you want temporary relief until the judge makes a final ruling.

- A. Fill in your full name as the Plaintiff.
- B. Fill in the opposing party's full name as the Defendant.
- C. Insert "Petition for Modification of Child Support" as the type of action being brought. The Clerk of Court will complete the rest when you file your petition.

STEP 4: Fill out two (2) Summons forms (the blue sheets).

STEP 5: Complete the Sheriff's Entry of Service. This form is used by the sheriff when he/she serves a copy of these papers on the Defendant. You must fill out one of these.

- A. Write your address under "Attorney's Address" on the left side.
- B. Put the opposing side's full name and address under "Name and Address of Party to be Served".
- C. On the right side, put your full name on the line above "Plaintiff" or "plaintiff".
- D. On the right side, put the opposing side's full name on the line above "Defendant" or "Defendant".

STEP 6: Make a copy of your original Order and attach it to your Petition for Modification of Child Support.

STEP 7: Put the papers together. Put them in this order, with the first ones on top and the rest behind.

Petition
Copy of Original Court Order for Child Support
Verification
Rule Nisi

STEP 8: Make two (2) copies of all of these papers. Then attach a (*blue*) Summons to your original papers. Next, attach another (*blue*) Summons to one (1) of your copies along with the Sheriff's Entry of Service.

STEP 9:

- (a) File your original papers with the Clerk of Superior Court.

The Clerk's Office is located at:
32 Waddell Street, 5th Floor
Marietta, Georgia 30090
Phone: 770-528-1300

Have the clerk fill in the case number and tell the clerk that you want a Rule Nisi hearing. Give the clerk the copy with the Sheriff's Entry of Service and Summons. Make sure that the clerk writes in the Civil Action Number on both your copies and inserts the Rule Nisi hearing information on your copies. You may have to pay a filing fee (\$80.00) and a service fee (\$25.00) in Cobb County. If you must do service in another county or state, you will need to contact that jurisdiction to determine their fees for service as they vary.

- (b) File your original papers with the Clerk of Court. Give the clerk the copy with the Sheriff's Entry of Service and Summons. Make sure that the clerk writes in the Civil Action Number on both your copies and inserts the Rule Nisi hearing information on your copies. You will have to pay a filing fee (\$80.00) and service fee (\$25.00). If you must do service in another county or state, you will need to contact that jurisdiction to determine their fees for service as they vary.

STEP 10:

Come to court on the date and time indicated on the Rule Nisi form for your hearing. You should go to the courtroom indicated on the Rule Nisi form and let the case manager know that you are there. Then wait for your case to be called by the judge. If you are requesting a decrease in your child support payments, then you should get/bring copies of your pay stubs for the last three months. If you are asking for an increase in child support, then during trial, you will need to call the opposing side as a witness and ask questions about how much money he/she has now compared to how much he/she had when the original child support order was issued.